

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CLARK DISTRIBUTION SYSTEMS, INC.,</b>	:	<b>CIVIL ACTION NO. 1:10-CV-2575</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>ALG DIRECT, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 27th day of August, 2014, upon consideration of defendant's motion in limine (Doc. 82) seeking permission to use deposition testimony of Patrick Del Monico and Shaun McGuire at trial in place of live testimony pursuant to Federal Rule of Civil Procedure 32, see FED. R. CIV. P. 32(a)(4)(B) (allowing the use of a witness deposition at trial when "the witness is more than 100 miles from the place of . . . trial"), and further upon consideration of plaintiff's response (Doc. 86) wherein

plaintiff indicates that it concurs with the relief requested,<sup>1</sup> it is hereby ORDERED that defendant's motion (Doc. 82) is GRANTED by agreement of the parties.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> In its response, plaintiff notes its intention to use additional deposition testimony of Patrick Del Monico, taken in a separate matter between defendant and a third party. The court grants defendant's motion to the extent concurred by plaintiff and declines to address the admissibility of this additional testimony because plaintiff has not formally moved for permission to use such testimony. See FED. R. CIV. P. 32(a)(8); FED. R. EVID. 804(b)(1).